

UNITED STATES COURT

UNITED STATES OF AMERICA,  
Appellee

V.

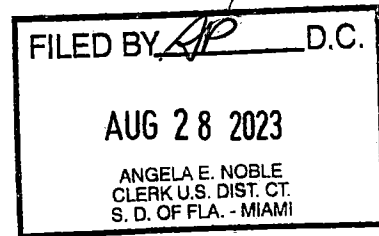
UNITED STATES DEPT. OF THE TREASURY,  
Appellant

APPELLANT'S RESPONSE TO MOTION TO STRIKE DOCKET#177

Pursuant to the Eleventh Circuit Jurisdictional Question and granted stay ORDER on 6-21-21, Federal Trustee Duane L. Berry has full authority to confer Appellate jurisdiction on behalf of Appellant by typing counsel's Ioana Cristei Meyer signature on notice of appeal Dkt#171. See Dkt#175.

Dated: 08-22-2023

/s/ Duane L. Berry  
Federal Trustee



USCA11 Case: 21-11738 Document: 2-1 Date Filed: 06/04/2021 Page: 1 of 1

No. 21-11738-J

### JURISDICTIONAL QUESTION

Please address whether the notice of appeal contains the signature of Duane Berry, who has purported to be a federal trustee for the Department of Treasury, so as to comply with the federal rules of procedure. *See* Fed. R. Civ. P. 11(a) ("Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name— or by a party personally if the party is unrepresented. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention."); Fed. R. App. P. 25(a)(2)(B)(iii); *Becker v. Montgomery*, 532 U.S. 757, 760–65 (2001) (noting that the signature requirement applies to notices of appeal but is not jurisdictional and may be satisfied after expiration of the initial appeal period if the notice is otherwise timely and sufficient, and promptly corrected); *see also* 11th Cir. R. 25-4 (requiring all filed papers to be signed); *Thiem v. Hertz Corp.*, 732 F.2d 1559, 1562–63 (11th Cir. 1984) (holding that a notice of appeal was sufficient to confer appellate jurisdiction where the names of counsel and the appellant were typed on the notice of appeal).

If the notice of appeal is in fact deficient, please address whether Berry can cure the lack of a signature by filing a signed notice of appeal in the district court. *See* Fed. R. Civ. P. 11(a); *Becker*, 532 U.S. at 760–65.

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**General Docket**  
**United States Court of Appeals for the Eleventh Circuit**

**Court of Appeals Docket #:** 23-12483  
**Nature of Suit:** 1440 Other Civil Rights  
**USA v.:** U.S. Department of the Treasury  
**Appeal From:** Southern District of Florida  
**Fee Status:** Fee Not Paid

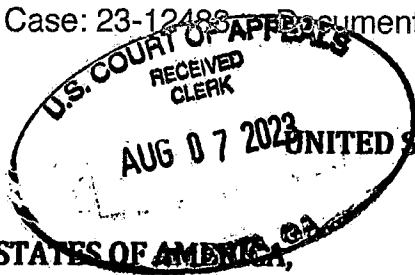
**Docketed:** 07/28/2023

**Case Type Information:**

- 1) U.S. Civil
- 2) U.S. Plaintiff
- 3) -


**Originating Court Information:**

**District:** 113C-9 : 9:22-mj-08332-BER-1  
**Court Reporter:** Pauline Stipes  
**Civil Proceeding:** Bruce E. Reinhart, U.S. Magistrate Judge  
**Date Filed:** 08/05/2022  
**Date NOA Filed:**  
07/28/2023



UNITED STATES OF AMERICA,  
Appellee

V.

USCA Case#23-12483   
USDC Case#9:22-mj-8332-BER

UNITED STATES DEPARTMENT OF THE TREASURY,  
Appellant

### **CERTIFICATE OF INTERESTED PERSONS**

The IN RE: SEALED SEARCH WARRANT is attached to IN RE: SEIZED FEDERAL SECURITIES and is in custody of the U.S. Department of Justice, Federal Trustee Duane L. Berry and the U.S. Department of the Treasury under the National Security Act pursuant to 50 USC 3162. See attached executed warrant.

Whereas, under the (NSA) no other party or Intervenor including CNN has a interest in this action other than the persons listed below.

Federal Trustee Duane L. Berry  
U.S. Department of Justice  
U.S. Department of the Treasury

### **CERTIFICATE OF SERVICE**

\*\*\*\*\*

The Appellant declares under the penalty of perjury its undersigned Department of Justice counsel shall make service on all parties by U.S. certified Mail.

Dated: 08-04-2023

/s/ Ioana Cristei Meyer  
U.S. Dept. of Justice  
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Ben Franklin Station  
Washington, DC 20044

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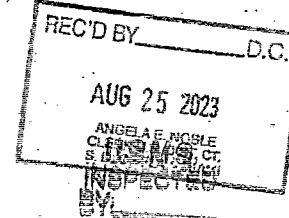
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